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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/528,037

12/20/2005

Carlos Martins

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09/19/2006

Valeo Inc

Intellectual Property Department
4100 North Atlantic Boulevard
Auburn Hills, MI 48326

EXAMINER

LEUNG, KA CHUN ALAN

ART UNIT

PAPER NUMBER

3747

DATE MAILED: 09/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/528,037

Applicant(s)

MARTINS, CARLOS

Examiner

Ka Chun Leung

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☒ Claim(s) 5-16 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 March 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

2. The listing of references in the Search Report is not considered to be an information disclosure statement (IDS) complying with 37 CFR 1.98. 37 CFR 1.98(a)(2) requires a legible copy of: (1) each foreign patent; (2) each publication or that portion which caused it to be listed; (3) for each cited pending U.S. application, the application specification including claims, and any drawing of the application, or that portion of the application which caused it to be listed including any claims directed to that portion, unless the cited pending U.S. application is stored in the Image File Wrapper (IFW) system; and (4) all other information, or that portion which caused it to be listed. In addition, each IDS must include a list of all patents, publications, applications, or other information submitted for consideration by the Office (see 37 CFR 1.98(a)(1) and (b)), and MPEP § 609.04(a), subsection I. states, "the list ... must be submitted on a separate paper." Therefore, the references cited in the Search Report have not been considered. Applicant is advised that the date of submission of any item of information or any missing element(s) will be the date of submission for purposes of determining compliance with the requirements based on the time of filing the IDS, including all "statement" requirements of 37 CFR 1.97(e). See MPEP § 609.05(a).

Drawings

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "26" has been used to designate both the pocket in Figure 3 and the rod in Figures 5-7,10, and 16-17. The correct reference numeral for the rod appears to be reference character "16", as shown in Figure 11. Even if all the rods had been labeled with reference character "16", the rod (16) attached to the rotary adjustment device (14) in Figure 4 and the rod (16) attached to the rotary adjustment device (80) in Figure 11 are associated with different parts. The rod (a feature stemming from the rotary adjustment device) would be distinct from one another and therefore would require distinct reference characters.

4. Similarly, the drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference characters "2", "4", "6", and "18" has been used to designate similar parts in both the first embodiment (Figures 1-4) and the second embodiment (Figures 5-11 and 14-17). The body (2) and lateral wall (4) in the first embodiment contains only one level of tubes as opposed to two levels in the second embodiment. The endwall (6) contains four mounting bosses on flanges in the second embodiment as depicted in Figure 9, while the first embodiment depicted in Figure 4 does not. Lastly the cover (18) in the first embodiment contains six fastening screw holes as shown in Figure 2, while the second embodiment contains only four as shown in Figure 10.

5. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended

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replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

6. The disclosure is objected to because of the following informalities:
 - a. On Page 6, Line 10, the axis XX is referred to as being depicted in Figure 2, however the axis is depicted in Figure 1.
 - b. On Page 9, Line 14, reference numeral "26" is used to denote the rod. The reference numeral should be renumbered as noted in Paragraph 3 above.
 - c. On Page 10, Line 38, reference numeral "121" is used to denote the high-temperature cooling circuit instead of "120" which is used in the drawings.Appropriate correction is required.

Claim Objections

7. Claims 5-16 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim cannot depend from any other multiple dependent claim. See MPEP § 608.01(n). Accordingly, the claims 5-16 have not been further treated on the merits.

8. Claim 16 is objected to because of the following informalities: both the low-temperature cooling circuit and the low-temperature pump contain the reference numeral "122". The proper reference numeral for the pump should be "140".
Appropriate correction is required.

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

10. Claim 1,2, and 4 are rejected under 35 U.S.C. 102(b) as being anticipated by PAULSON (U.S. Patent 1,327,252). PAULSON discloses a controlling valve used in a fuel supply system of an internal combustion engine comprising of: a cylindrical body (A) defining a cylindrically lateral wall and housing , at least two tubes/lugs (2-7), a rotary adjustment device/valve stem (11), and all tubes/lugs (2-7) open into the cylindrical lateral wall, as shown in Figures 5-7. Additionally, the tubes/lugs (2-7) are distributed over more than one level as shown in Figure 2 and 4.

11. Claims 1-3 are rejected under 35 U.S.C. 102(e) as being anticipated by PICCIRILLI et al (U.S. Patent 6,539,899). PICCIRILLI et al discloses a rotary valve for controlling coolant flow within a cooling system of an internal combustion engine

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comprising of: a cylindrical body defining a cylindrically lateral wall and housing, at least two tubes/ports (23-26), a rotary adjustment device/flow diverter (21), and all tubes open into the cylindrical lateral wall as disclosed in his first embodiment (Figures 1-6). Additionally, the tubes/ports (23-26) are arranged radially with respect to the cylindrical wall, and all of the tubes/ports (23-26) are distributed over a single level.

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure as listed in PTO-892.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ka Chun Leung whose telephone number is (571) 272-9963. The examiner can normally be reached on 7:30AM - 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Cronin can be reached on (571) 272-4536. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.


STEPHEN K. CRONIN
SUPERVISORY PATENT EXAMINER